

No. 16 of 2006.

*The Governor-General's Emoluments
and Pension Act, 2006.*

1 ANTIGUA
AND
BARBUDA



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

17th November, 2006.

ANTIGUA AND BARBUDA

No. 16 of 2006

AN ACT to provide for the emoluments, pensions, benefits and privileges attached to the office of Governor-General.

*[Published in the Official Gazette Vol. XXVI
No. 74 dated 14th December, 2006.]*

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. This Act may be cited as the Governor-General's Emoluments and Pension Act, 2006. Short title.

2. In this Act— Interpretation.

“Acting Governor-General” means any person who performs the functions of the office of Governor-General under section 23 of the Constitution; and

“service in the Permanent Civil Service” means service in respect of which a pension may be granted under the Pensions Act (Cap. 311). Cap. 311.

3. (1) The emoluments appertaining to the office of Governor-General shall be the emoluments specified in paragraphs 1, 2 and 3 of Part 1 of the Schedule and shall be paid in equal monthly instalments in arrears. Emoluments, benefits and privileges of Governor-General

(2) A person who holds the office of Governor-General shall be entitled to the benefits and privileges specified in paragraph 4 of Part 1 of the Schedule for so long as he holds the office.

Emoluments
during absence,
leave and
incapacity.

4. (1) The Governor-General shall—

- (a) in respect of any period during which he is absent from Antigua and Barbuda for the purposes of performing any of the functions of his office, receive the full emoluments appertaining to his office; and
- (b) in respect of any period during which he is absent on leave or is unable to perform the functions of his office, receive the salary appertaining to his office, but shall not receive the allowances specified in paragraphs 2 and 3 of Part 1 of the Schedule.

(2) The Governor-General shall not, for the purposes of this section, be regarded as unable to perform the functions of his office—

- (a) by reason only that he is in passage from one part of Antigua and Barbuda to another; or
- (b) where he has appointed a deputy to perform any of the functions of the office of Governor-General under section 25 of the Constitution and such appointment is subsisting.

Emoluments of
Acting
Governor-
General.

5. (1) Subject to the provisions of subsection (2), an Acting Governor-General shall, in respect of the period during which he discharges the functions of the office of Governor-General, receive the emoluments specified in paragraphs 1, 2 and 3 of Part 1 of the Schedule.

(2) Where an Acting Governor-General, in respect of any period during which he discharges the functions of the office of Governor-General, receives salary defrayed from the Consolidated Fund in respect of any other office, his emoluments under subsection (1) in respect of such period shall be abated to the extent of the salary so received.

Pension granted.

6. (1) Subject to section 8 there shall be granted to a person who has held the office of Governor-General, with effect from

the date on which he ceases to hold that office a pension at the rate specified in paragraphs 1, 2 or 3 of Part 2 of the Schedule, as appropriate.

(2) A person who has held the office of Governor-General, with effect from the date on which he ceases to hold that office, shall be entitled to receive the benefits and privileges specified in paragraphs 4 and 5 of Part 2 of the Schedule.

(3) The pension payable under subsection (1) or section 8 shall be paid in equal monthly instalments in arrears.

7. (1) If a person who holds the office of Governor-General so elects within three months before he ceases to hold office, there shall be granted to him, instead of a full annual pension under section 6, a reduced annual pension at the rate of three-quarters of his full annual pension and a gratuity of twelve and one-half times the amount of the reduction so made in the full annual pension.

Gratuity to Governor-General..

(2) The gratuity referred to in subsection (1) shall be due and payable on the date on which the person entitled to the gratuity ceases to be Governor-General.

8. Where a person who has held the office of Governor-General has, immediately preceding his appointment to that office, been in service in the Permanent Civil Service and the pension in respect of that service is not in payment, he may opt—

Reckoning of Governor-General's service for pension in certain cases.

- (a) to receive a pension under section 6, if he is so entitled; or
- (b) to treat his service in the office of Governor-General as service in the Permanent Civil Service and to receive a pension, or reduced pension and gratuity, or any applicable gratuity under the Pensions Act (Cap. 311) if the length of his joint service in the office of Governor-General and his service in the Permanent Civil Service qualifies him for a pension under that Act,

and he shall be granted a pension under section 6 or a pension or reduced pension and gratuity or other gratuity under the Pensions Act as he so opts.

Gratuity where
Governor-
General dies
while holding
office.

9. Where a person dies while he is Governor-General, there shall be granted to his legal personal representative a gratuity of an amount not exceeding his annual salary at the date of his death.

Other pensions.

10. A person who has a pension in payment in respect of service in the Permanent Civil Service shall be entitled to receive that pension during such time that—

(a) he holds the office of Governor-General; or

(b) having held the office of Governor-General, he is entitled to receive a pension under this Act.

Widow's
pension.

11. (1) Where a person dies—

(a) while he is Governor-General; or

(b) while he is entitled to receive a pension payable under this Act to a person who has ceased to be Governor-General,

and leaves a widow, the widow shall, subject to subsection (3), be paid a pension at the rate specified in paragraph 1 of part 3 of the Schedule which shall be paid in equal monthly instalments in arrears.

(2) A person who receives a pension under subsection (1) shall, during the period of payment of that pension, also be provided by the Government with the benefits and privileges specified in paragraph 2 of Part 3 of the Schedule.

(3) A widow mentioned in this section shall not be entitled to receive and shall not be paid a pension under this section for any period after re-marriage and on re-marriage shall cease to be entitled to, and shall not be provided with, any of the privileges and benefits under subsection (2).

(4) For the purposes of this section “widow” includes “widower.

Emoluments,
pensions, etc.
charged on
Consolidated
Fund.

12. The emoluments of the Governor-General, and all pensions, gratuities, privileges and benefits under this Act shall be charged on the Consolidated Fund and paid thereout.

13. (1) The Attorney-General may, by regulations amend the provisions of the Schedule to increase the emoluments, pensions, benefits and privileges payable to the Governor-General and his widow. Regulations.

(2) Regulations made under this section shall be subject to affirmative resolution of the House.

14. The Personal Income Tax Act, 2005 is amended in section 9(2) by adding at the end the following paragraph— Amendment of the Personal Income Tax Act, 2005.

“(k) the emoluments and gratuities payable to the Governor-General and the pensions payable to the Governor-General and his widow under sections 3, 6, 7, 9 and 11 of the Governor-General’s Emoluments and Pension Act, 2006.”.

15. The person holding the office of Governor-General at the date of coming into force of this Act shall receive the emoluments, benefits and privileges specified in Part 1 of the Schedule and, in addition, shall receive— Transitional.

(a) on reaching the fifteenth anniversary of his appointment, the gratuity to which he would have been entitled under section 6 of the Governor and Governor-General’s Emoluments and Pension Act (Cap. 195); or

(b) on ceasing to hold office before the fifteenth anniversary of his appointment, in addition to the pension, benefits and privileges specified in Part 2 of the Schedule, that proportion of the gratuity referred to in section 6 of the Governor and Governor-General’s Emoluments and Pension Act (Cap.195) which the period over which he has held office bears to 15 years; and

(c) in addition to the exemption from customs duty referred to in paragraph 4(b) of the Schedule, the allowance payable under paragraph 3 of the Schedule to the Governor and Governor-General’s Emoluments and Pension Act (Cap) 195), payable monthly in arrears.

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Repeal of Cap. 195. **16.** The Governor and Governor-General's Emoluments and Pension Act (Cap. 195) is repealed.

Sections 3, 4, 5, 6 and 11.

SCHEDULE

Benefits, Privileges and rates of Salary, Allowances and Pensions

PART 1 – Governor-General

1. A salary at the rate of \$184,140 per annum with effect from the 1st January 2006.

2. A Duty Allowance at the rate of \$36,000 per annum.

3. Where the Governor-General does not live in government-owned premises, a housing allowance of \$96,000 per annum.

4. The following benefits and privileges—

(a) exemption from the levies or contributions payable under—

11 of 1994. (i) section 13 of the Board of Education Act, 1994;

Cap. 408. (ii) section 21 of the Social Security Act (Cap. 408); and

Cap. 271. (iii) section 3 of the Medical Benefits Act (Cap. 271),

insofar as they relate to the salary and duty allowance payable to the Governor-General under this Act;

(b) exemption from customs duty payable on goods imported only for the Governor-General's personal use at his main personal residence;

(c) where the Governor-General does not live in government-owned premises—

15 of 2000. (i) exemption from property tax payable under Part II of the Property Tax Act, 2000; and

- (ii) reimbursement by the Government of the cost of water and electricity supplied,

in respect of the Governor-General's main personal residence; and

- (d) reimbursement by the Government of the cost of local telephone calls.

PART 2 – Retired Governor-General

1. In the case of a Governor-General who held that office for eight consecutive years or more, an annual pension equivalent to his annual salary at the date of his ceasing to hold office.

2. In the case of a Governor-General who held that office for four consecutive years or more but less than eight consecutive years, an annual pension equivalent to two-thirds of his annual salary at the date of his ceasing to hold office.

3. In the case of a Governor-General who held that office for less than four consecutive years, an annual pension based upon the proportion of the amount he would have received as pension if he had held that office for four consecutive years or more, but less than eight consecutive years that the period for which he in fact held office bears to such period of four years.

4. The following benefits and privileges—

- (a) exemption from the levies or contributions payable under—

- (i) section 13 of the Board of Education Act, 1994; 11 of 1994.

- (ii) section 21 of the Social Security Act (Cap. 408); and

- (iii) section 3 of the Medical Benefits Act (Cap. 271),

insofar as they relate to the pension payable to him under this Act;

- (b) exemption from liability to customs duty payable on goods imported only for his personal use at his main personal residence up to a maximum of \$15,000 in each year starting on the 1 January;
- (c) reimbursement by the Government of the cost of water and electricity supplied in respect of his main personal residence; and
- (d) reimbursement by the Government of the cost of local telephone calls.

5. The following additional benefits and privileges—

- (a) provision by the Government of a secretary and a housekeeper,
- (b) provision by the Government of a chauffeur and a motor car—
 - (i) of a make and model; and
 - (ii) which shall be replaced at periods,
to be specified by the Cabinet; and
- (c) provision by the Government, if he requires, of police security to such level as may be specified by the Cabinet after consultation with the Commissioner of Police.

Part 3 – Governor-General's Widow

1. An annual pension at a rate equivalent to two-thirds of the rate of pension payable to the spouse of the widow under sections 6, 7 and 8.

2. The following benefits and privileges—

- (a) provision by the Government of a household helper;
- (b) provision by the Government of a chauffeur and a motor car—

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- (i) of a make and model; and
- (ii) which shall be replaced at periods,
to be specified by the Cabinet; and
- (c) exemption from liability to customs duty payable on
goods imported only for his or her personal use at
his or her main personal residence up to a maximum
of \$10,000 in each year starting on the 1 January.

Passed by the House of Representatives
this 11th day of September, 2006.

D. Giselle Isaac-Arrindell,
Speaker.

Yvonne Henry,
Clerk to the House of Representatives.

Passed by the Senate this
12th day of October, 2006.

Hazlyn M. Francis,
President.

Yvonne Henry,
Clerk to the Senate.

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ANTIGUA AND BARBUDA
THE GOVERNOR-GENERAL'S
EMOLUMENTS AND PENSION ACT, 2006

ARRANGEMENT OF SECTIONS

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SCHEDULE

Benefits, Privileges and Rates of Salary, Allowances and Pensions.